

photoresists when, for example, a short wavelength light (e.g., 220 nm or less) is used.

The claimed invention, on the other hand, includes a novel (meth) acrylate derivative which provides a photoresist material having excellent transparency and etching resistance for use in lithography, for example, when a wavelength of 220 nm or less is used.

II. THE DOUBLE PATENTING REJECTION

The Examiner indicates that the Application raises issues under 35 U. S. C. §§102(f) and 102(g). However, Applicant respectfully notes that there is no evidence that Applicant did not invent the subject matter of the claimed invention (§102(f)) and the present Application is not the subject of an interference proceeding (§102(g)). Therefore, these sections do not apply to this Application.

Further, the Examiner alleges that the claimed invention, as claimed in claims 1-5, 14 and 18-19, is unpatentable under 35 U. S. C. §101 as directed to the same invention as claims 1-4, 6-8, 14, 16 and 20 of Hasegawa. Applicant submits, however, that the claimed invention is not the same invention as that disclosed and claimed in Hasegawa and, moreover, this Application is not commonly assigned with Hasegawa.

Hasegawa discloses lactone-containing compounds and polymers. The polymer is used as a base resin to formulate a resist composition having a high sensitivity, resolution and etching resistance (Hasegawa at Abstract).

However, Applicant submits that claims 1-5, 14 and 18-19 are not the same as claims 1-4, 6-8, 15, 16 and 20 of Hasegawa.

Moreover, Applicant notes that this Application and Hasegawa are not commonly assigned. Indeed, this Application is assigned to NEC Corporation, whereas Hasegawa is assigned to Shin-Etsu Chemical Co., Ltd., which is a completely different entity. Applicant respectfully submits that there is no basis for considering NEC Corp. and Shin-Etsu Chemical Co., Ltd. the same entity and, therefore, this Application and Hasegawa are not commonly assigned.

Therefore, Applicant submits that the claimed invention is not the same invention as that in Hasegawa and, moreover, this Application is not commonly assigned with Hasegawa. Therefore, the Examiner is respectfully requested to withdraw this rejection.

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III. THE PRIOR ART REJECTIONS

The Examiner also alleges that Hasegawa teaches or suggests the claimed invention and, therefore, the claimed invention is unpatentable on prior art grounds. Applicant submits, however, that there are elements of the claimed invention that are not taught or suggested by Hasegawa.

In addition, for the purpose of expediting prosecution in this case, Applicant notes that the present Application claims priority under the International Convention from July 3, 1998 based on Japanese Patent Application No. 188853/1998, whereas in Hasegawa, has a U. S. filing date of September 24, 1999 (based on Japanese Patent Application No. 270373 filed on September 25, 1998). A certified copy of the priority document and a verified English translation of the priority document are attached hereto and incorporated herein by reference.

Therefore, the present Application has a prior priority date than that of Hasegawa. Therefore, Hasegawa should be removed as a reference against the present Application.

Therefore, Applicant submits that Hasegawa does not teach or suggest the claimed invention and, in addition, the present Application has priority over Hasegawa. Therefore, the Examiner is respectfully requested to withdraw this rejection.

IV. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-23, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Interference
Yes

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WAK.071

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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date:

4/17/02



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